

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITY OF SYRACUSE, NY; CITY OF SAN JOSE, CA; CITY OF CHICAGO, IL; CITY OF COLUMBIA, SC; EVERYTOWN FOR GUN SAFETY ACTION FUND; and EVERYTOWN FOR GUN SAFETY SUPPORT FUND,

Petitioners,

v.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES; REGINA LOMBARDO, in her official capacity as Acting Deputy Director of Bureau of Alcohol, Tobacco, Firearms and Explosives; UNITED STATES DEPARTMENT OF JUSTICE; and WILLIAM BARR, in his official capacity as ATTORNEY GENERAL, U.S. Department of Justice,

Defendants.

Case Number: 1:20-cv-06885-GHW

**NOTICE OF MOTION OF
POLYMER80, INC. TO
INTERVENE IN THIS ACTION**

PLEASE TAKE NOTICE, that Polymer80, Inc. (“Polymer80” or “Company”) will respectfully move this Court, before Honorable Gregory H. Woods, United States District Judge, at Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 12C, New York, New York 10007, at a date and time to be set by the Court, to: (i) intervene as of right as a defendant in the above-captioned action, pursuant to Rule 24(a)(2) of the Federal Rules of Civil Procedure, or, alternatively, (ii) intervene herein with the permission of the Court, pursuant to Fed. R. Civ. P. 24(b). The purpose of the proposed intervention is the protection of all of the Company’s rights and interests with respect to three “Determination Letters” issued to Polymer80 by defendant Bureau of Alcohol, Tobacco, Firearms and Explosives (a part of defendant United States Department of Justice) in February 2015, November 2015, and January 2017, respectively,

regarding a variety of the Company's products, the legality and propriety of which Letters, *inter alia*, plaintiffs challenge in this action.

PLEASE TAKE FURTHER NOTICE, that Polymer80 hereby requests oral argument upon its motion.

PLEASE TAKE FURTHER NOTICE, that, pursuant to Rule 6.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, any opposing Affidavits and/or Memoranda should be served upon the undersigned within fourteen (14) days after service of Polymer80's moving papers, unless otherwise so ordered by this Court.

WHEREFORE, Polymer80 respectfully requests that the Court grant the instant motion and accord the Company intervention as of right herein or, alternatively, permit the Company to so intervene.

Dated: New York, New York
December 30, 2020

Respectfully submitted,

/s/ James J. McGuire
James J. McGuire

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Counsel to Defendants

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2020, I electronically filed the foregoing with the Clerk of the Court using this Court's CM/ECF system, which will send notification to all counsel of record.

/s/ James J. McGuire

James J. McGuire